

REISSUE LITIGATION
Attorney Docket
No. 65278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): CAPLAN et al.

Reissue of
Patent No.: 5,667,291

Issued: September 16, 1997

Title: ILLUMINATION ASSEMBLY FOR
DENTAL AND MEDICAL
APPLICATIONS

Examiner:

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Ed Price

) (Typed or printed name of person mailing)

) (Signature of person mailing)

REISSUE DECLARATION

Assistant Commissioner of Patents
and Trademarks
Box 7
Washington, D.C. 20231

Sir:

We, Charles H. Caplan and Frederick N. Bushroe,
citizens of the United States of America, declare that:

1. Our residence, post office address and
citizenship are as stated below next to our names.

2. On information and belief, the entire title to
U.S. Letters Patent No. 5,667,291, entitled, "Illumination
Assembly for Dental and Medical Applications," which issued
September 16, 1997, is vested in SURGICAL ACUITY, INC.

3. We verily believe that we are the original,
first and joint inventors of the subject matter described and
claimed in U.S. Letters Patent No. 5,667,291 granted on
September 16, 1997 and in the attached specification and
claims for which invention we solicit a reissue patent.

4. We do not know and do not believe that the invention was ever known or used in the United States before our invention thereof.

5. We hereby state that we have reviewed and understand the contents of the attached specification and claims, and the claims being added by this reissue application.

6. We acknowledge our duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37, Code of Federal Regulations.

7. We believe the original patent to be wholly or partly inoperative or invalid because of error, without deceptive intent, by reason of claiming less than we had a right to claim. More specifically, we believe that the original claims 1-20 are too narrow or imprecise in the following respects: independent claims 21, 22 and 36 and their dependent claims are added with this reissue application to more particularly define the invention to expressly claim "only a single lens".

Original claims 1-20 are directed to an illumination assembly that includes a light guide, a housing, an aspheric lens, and an attachment means. Independent claim 23 and its dependent claims are added with this reissue application to more broadly claim an illumination assembly that includes a light guide and a housing.

8. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

REISSUE LITIGATION
Atty. Dkt. No. 65278

9. We also declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements an the lake so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10. A Power of Attorney was filed previously in U.S. Patent No. 5,667,291 and a copy of that Power is enclosed.

Charles H. Caplan
Address:

Date: _____

Frederick N. Bushroe
Address:

Date: _____

55-0000-364360

PATENT APPLICATION

Attorney Docket No. 65696
Date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Caplan, et al.

Application No.: 08/447,357

Filed: May 23, 1995

For: ILLUMINATION ASSEMBLY
FOR DENTAL AND MEDICAL
APPLICATIONS

Patent No.: 5,667,291

Issue Date: September 16, 1997

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

3/31/99 *John S. Paniaguas*
Date Registration No. 31,051
Attorney for Applicant(s)

POWER OF ATTORNEY BY ASSIGNEE

Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

Revoking any and all powers of attorney and authorizations of agent heretofore made in respect to this application, the Assignee of this application hereby appoints the following as its attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and requests that all correspondence in respect to this application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone Number (312) 577-7000, Facsimile Number (312) 577-7007:

| <u>Registered Practitioner</u> | <u>Registration Number</u> | <u>Registered Practitioner</u> | <u>Registration Number</u> |
|--------------------------------|----------------------------|--------------------------------|----------------------------|
| Morgan L. Fitch, Jr. | 17,023 | Mark W. Hetzler | 38,183 |
| Francis A. Even | 16,880 | Timothy P. Maloney | 38,233 |
| Julius Tabin | 16,754 | Thomas F. Lebens | 38,221 |
| John F. Flannery | 19,759 | Donald A. Peterson | 18,647 |
| Robert B. Jones | 20,135 | James R. McBride | 24,275 |
| James J. Schumann | 20,856 | Bruce R. Mansfield | 29,086 |
| James J. Hamill | 19,958 | Mark A. Hamill | 37,145 |
| Timothy E. Levstik | 30,192 | Perry J. Hoffman | 37,150 |
| Joseph E. Shipley | 31,137 | James P. Krueger | 35,234 |
| Robert J. Fox | 27,635 | Steven S. Favakeh | 36,798 |
| Kenneth H. Samples | 25,747 | Jay A. Saltzman | 38,293 |
| Philip T. Petti | 31,651 | | |
| John S. Paniaguas | 31,051 | | |
| Richard A. Kaba | 30,562 | | |
| Karl R. Fink | 34,161 | | |

Brian Wilt
(Signature)

Brian Wilt

(Printed Name)

Vice President

(Title)

REISSUE LITIGATION
ATTORNEY DOCKET
No. 62578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of United States
Letters Patent No. 5,667,291

Inventor: Caplan et al.

Title: ILLUMINATION ASSEMBLY FOR
DENTAL AND MEDICAL
APPLICATIONS

Issued: September 16, 1997

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) (Typed or printed name of person mailing)

) *Ed Price*
) (Signature of person mailing)

ASSENT OF ASSIGNEE TO REISSUE

SURGICAL ACUITY, INC., the assignee of the entire title
and interest in United States Patent No. 5,677,291 hereby assents
to the filing of the above-captioned application for reissue of
said U.S. Patent No. 5,667,291.

SURGICAL ACUITY, INC.

Dated: _____

By: _____
Brian L. Wilt

Title: Vice President of Operations
Surgical Acuity, Inc.

SCANNED 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of United States
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Inventor: Caplan et al.

Title: ILLUMINATION ASSEMBLY FOR
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REQUEST FOR TRANSFER OF DRAWINGS
UNDER 37 C.F.R. § 1.174

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.174, Applicant hereby requests that the drawings upon which original U.S. Patent No. 5,667,291 was issued be transferred to this application. Submitted with the reissue application, as filed, are temporary informal drawings consisting of copies of the printed drawings of the patent.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:

John S. Paniaguas
John S. Paniaguas
Registration No. 31,051

Date: 07 April 99

120 South LaSalle Street, Suite 1600
Chicago, IL 60603-4277
(312) 577-7000

REISSUE LITIGATION

ATTORNEY DOCKET
NO. 65278

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Letters Patent No. 5,667,291

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) Ed Price

) (Typed or printed name of person mailing)

) Ed Price
) (Signature of person mailing)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

OFFER OF SURRENDER UNDER 37 C.F.R. §1.178

Sir:

In accordance with 37 C.F.R. §1.178, the assignee of
the entire interest, Surgical Acuity, Inc. offers to surrender
United States Patent No. 5,667,291 entitled ILLUMINATION ASSEMBLY
FOR DENTAL AND MEDICAL APPLICATIONS.

SURGICAL ACUITY, INC.

Dated: _____

By: _____
Brian L. Wilt

Title: Vice President of Operations
Surgical Acuity, Inc.